

UNITED STATES DISTRICT COURT

for

FILED BY *[Signature]* D.C.

05 JUN 13 PM 2:08

WESTERN DISTRICT OF TENNESSEE

Robert R. Di Tollo  
CLERK, U.S. DIST. CT.  
W. D. OF TN, MEMPHIS

U. S. A. vs. KEVIN WILHITE

Docket No. 2:92CR20106-01

**Petition on Probation and Supervised Release**

**COMES NOW** Willie S. Williams, Jr., **PROBATION OFFICER OF THE COURT** presenting an official report upon the conduct and attitude of Kevin Wilhite, who was placed on supervision by the Honorable Odell Horton sitting in the Court at Memphis, Tennessee, on the 26th day of July, 19 93 who fixed the period of supervision at five (5) years\*, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- \* Effective date of Supervision: December 10, 2001.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

**(SEE ATTACHED)**

**PRAYING THAT THE COURT WILL ORDER** that a **WARRANT** be issued for Kevin Wilhite to appear before the United States District Court to answer charges of Supervised Release violations.

**BOND:** \_\_\_\_\_

**ORDER OF COURT**

Considered and ordered this 10<sup>th</sup> day  
of June, 2005, and ordered filed  
and made a part of the records in the above  
case. *[Signature]*

United States District Judge

I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed  
on June 9, 2005

*Willie S. Williams*  
Senior United States Probation Officer

Place: Memphis, TN

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

THE DEFENDANT VIOLATED THE FOLLOWING CONDITIONS OF SUPERVISED RELEASE:

**The defendant shall not commit another federal, state, or local crime.**

According to investigative reports, on February 14, 2004, Mr. Wilhite pulled into an area where the Memphis Police Department's Organized Crime Unit was conducting an undercover drug operation. Mr. Wilhite was stopped and detained for not wearing a seat belt. While exiting the vehicle, he was observed stuffing something into his pants. Upon being searched, officers recovered 126.2 grams of Cocaine Base from Mr. Wilhite's crouch area. After being taken into custody, Mr. Wilhite provided a signed statement admitting to possession of the drugs. He was subsequently released pending the outcome of the investigation. On February 4, 2005, Kevin Wilhite was arrested by Memphis Police Officers on a warrant charging Possession of a Controlled Substance With Intent to Manufacture/Deliver/Sell. On May 5, 2005, Mr. Wilhite appeared in General Sessions Court, Division 8, where he waived his Preliminary Hearing, and was Held to State on the above charge. He is released on a \$100,000.00 bond.

**The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.**

Mr. Wilhite violated the above condition in that on February 14, 2004, while in the custody of officers of the Memphis Police Department's Organized Crime Unit, he provided a signed written statement admitting to having knowledge of several firearms that were found by officers during a search of his residence. Mr. Wilhite further admitted to owning one firearm, which he kept in his bedroom closet.

**The defendant shall notify the Probation Officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.**

Mr. Wilhite violated this condition by failing to report the February 14, 2004, arrest to the Probation Officer within the required seventy-two (72) hours.

1. Defendant Kelvin Wilhite (Address: 157 Shofner, Memphis, TN 38109)

2. Docket Number (Year-Sequence-Defendant No.) 2:92CR20106-01

3. District/Office Western District of Tennessee (Memphis)

4. Original Sentence Date 07 / 26 / 1993  
month day year

(If different than above):

5. Original District/Office \_\_\_\_\_
6. Original Docket Number (Year-Sequence-Defendant No.) \_\_\_\_\_
7. List each violation and determine the applicable grade (see §7B1.1):

<u>Violation(s)</u>	<u>Grade</u>
• New criminal conduct of: Possession of Controlled Substance With Intent to Manufacture/Deliver/Sell.	A
• Possession of a firearm.	A
• Failure to notify the Probation Officer of contact with police within required seventy-two (72) hours.	C
• _____	_____
• _____	_____
• _____	_____

8. Most Serious Grade of Violation (see §7B1.1(b)) A

9. Criminal History Category (see §7B1.4(a)) VI

10. Range of imprisonment (see §7B1.4(a)) 51 - 63 months

Restricted Guideline

18 USC §3583(e) authorizes a maximum sentence of 60 months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

- { } (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
- { } (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
- {X} (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.  
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit

**Defendant** Kelvin Wilhite

#### **12. Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)).

**Restitution (\$)** \_\_\_\_\_ **N/A** **Community Confinement** \_\_\_\_\_ **N/A**

Fine (\$) \_\_\_\_\_ N/A Home Detention N/A

Other \_\_\_\_\_ N/A \_\_\_\_\_ Intermittent Confinement \_\_\_\_\_ N/A \_\_\_\_\_

**13. Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3{see §§7B1.3(g)(1)}.

Term: N/A to N/A years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(a)(2)}.

**Period of supervised release to be served following release from imprisonment:**

## 14. Departure

**List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:**

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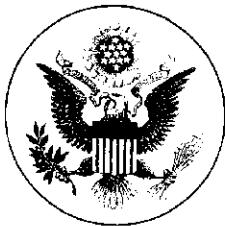
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15. Official Detention Adjustment (see §7B1.3(e)): \_\_\_\_\_ months \_\_\_\_\_ days



# Notice of Distribution

This notice confirms a copy of the document docketed as number 67 in case 2:92-CR-20106 was distributed by fax, mail, or direct printing on June 13, 2005 to the parties listed.

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Terrell L. Harris  
U.S. ATTORNEY'S OFFICE  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Honorable Samuel Mays  
US DISTRICT COURT